

**Minutes of Meeting
BOARD FOR CONTRACTORS
INFORMAL FACT-FINDING CONFERENCES
October 29, 2003 (1:30 p.m.)**

The Board for Contractors convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Michael Redifer, Board member, presided. No other Board members were present.

Jennifer Kazzie appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Disc=Disciplinary Case
RF=Recovery Fund Claim

C=Complainant/Claimant
R=Respondent/Regulant
W=Witness
Atty = Attorney

Participants

- | | |
|--|--|
| 1. Lynn E. Wilson
t/a Veteran Builders
File Number 2003-02918 (Disc) | None |
| 2. Lynn E. Wilson
t/a Veteran Builders
File Number 2003-03493 (Disc) | None |
| 3. Lynn E. Wilson
t/a Veteran Builders
File Number 2003-03131 (Disc) | None |
| 4. Lynn E. Wilson
t/a Veteran Builders
File Number 2004-01327 (Disc) | None |
| 5. William Bulifant
t/a Bulifant & Co
File Number 2003-03051 (Disc) | Brian Gentilini - C |
| 6. William Bulifant
t/a Bulifant & Co | Raymond Ancone - C
Marie Ancone - C |

File Number 2003-00404 (Disc)

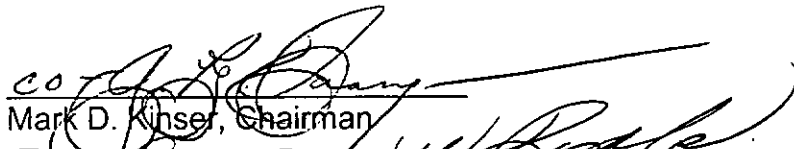
Graham T. Jennings, Jr.
C's Atty


7. William Bulifant
t/a Bulifant & Co
File Number 2003-02675 (Disc)

John Fabian – C

The meeting adjourned at 3:45 p.m.

BOARD FOR CONTRACTORS


Mark D. Kinser, Chairman


Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD FOR CONTRACTORS

RE: LYNN E. WILSON
T/A VETERAN BUILDERS
LICENSE NUMBER 2705 013415

FILE NUMBER: 2003-02918

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 29, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Lynn E. Wilson on September 30, 2003. The following individuals participated at the conference: Jennifer Kazzie, Staff Member; and Michael Redifer presiding Board Member. Neither Lynn E. Wilson, nor anyone on his behalf, attended the IFF.

Summation of Facts

1. On April 28, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Cao (Kevin) Nguyen ("Nguyen") regarding a contract entered into with Lynn E. Wilson (Wilson), t/a Veteran Builders.
2. On September 25, 2002, Nguyen entered into a contract with "Veteran Deck Builders," in the amount of \$8,000.00, to construct a deck at 10716 Ox Croft Court, Fairfax, Virginia. Nguyen paid Wilson \$4,000.00 as a deposit.
3. On April 28, 2003, a review of the licensing records of the Board for Contractors revealed Lynn E. Wilson, t/a Veteran Builders, was issued Class B Contractor's license number 2705013415 on July 14, 1992.
4. The contract used by Wilson failed to contain: (d) a "plain-language" exculpatory clause concerning events beyond the control of the contractor and a statement explaining that delays caused by such events do not constitute abandonment and are not included in calculating time frames for payment or performance, (e) a statement of assurance that the contractor will comply with all local requirements for building permits, inspections, and zoning, (f) disclosure of the cancellation rights of the parties, (h) contractor's license expiration date, class of license, and specialty service, and (i) a statement providing that any modification to the contract, which changes the cost, materials, work to be performed, or estimated completion date, must be in writing and signed by all parties.
5. The contract specified: "Job Starting Date: Oct 25 02" and "Estimated Completion Date: Oct 30 02."
6. In January 2003, Wilson commenced the work, including digging the footers and framing the deck. As of April 28, 2003 Wilson failed to complete the work.
7. In February 2003, Veteran failed to return to complete the deck framing, deck boards, stairs, and stair lights.
8. Between February 2003 and April 2003, Nguyen attempted to contact Wilson and left messages. On April 30, 2003, Nguyen sent a certified letter to Wilson requesting the work be completed by May 2003.

9. As of May 12, 2003, Wilson failed to complete the work. On May 12, 2003, Nguyen sent a certified letter to Wilson requesting Wilson refund the \$4,000.00 paid.

10. As of July 7, 2003, Wilson failed to return money received for work not performed or performed in part.

11. On June 3, 2003, the Board's agent Investigator Carolyn D. Wright, made a written request, via certified mail, to Wilson at the address of record of 12585 Bristow Road, P.O. Box 618, Bristow, Virginia 20136, requesting documents regarding the complaint filed with the Board. The Board's agent requested the documents be received by June 19, 2003. On June 16, 2003, Wilson signed for the certified letter. As of July 7, 2003, Wilson failed to produce the requested documents.

Conclusion and Recommendation

Count 1: 18 VAC 50-22-260(B)(9) (Effective September 1, 2001)

Wilson's failure to make use of a legible contract that contains all provisions specified in the regulation is a violation of the Board's regulation 18 VAC 50-22-260(B)(9). Therefore, I recommend that a monetary penalty of \$350.00 be imposed for a violation of this regulation.

Count 2: 18 VAC 50-22-230(A) (Effective September 1, 2001)

Wilson's failure to operate in the name in which the license was issued is a violation of the Board's regulation 18 VAC 50-22-230(A). Therefore, I recommend that a monetary penalty of \$350.00 be imposed for a violation of this regulation.

Count 3: 18 VAC 50-22-260(B)(31) (Effective September 1, 2001)

Wilson's failure to make use of a written change order, for a modification to the original contract, is a violation of the Board's regulation 18 VAC 50-22-260(B)(31). Therefore, I recommend that a monetary penalty of \$500.00 be imposed for a violation of this regulation.

Count 4: 18 VAC 50-22-260(B)(15) (Effective September 1, 2001)

Wilson's failure to complete the work contracted for is a violation of the Board's regulation 18 VAC 50-22-260(B)(15). Therefore, I recommend that a monetary penalty of \$2,500.00 and revocation of his license be imposed for a violation of this regulation.

Count 5: 18 VAC 50-22-260(B)(16) (Effective September 1, 2001)

Wilson's failure to return money received for work not performed or performed in part, is a violation of the Board's regulation 18 VAC 50-22-260(B)(16). Therefore, I recommend

that a monetary penalty of \$2,500.00 and revocation of his license be imposed for a violation of this regulation.

Count 6: 18 VAC 50-22-260(B)(12) (Effective September 1, 2001)

Wilson's failure to produce the documents requested by the Board is a violation of the Board's regulation 18 VAC 50-22-260(B)(12). Therefore, I recommend that a monetary penalty of \$750.00 be imposed for a violation of this regulation.

By:

Michael Redifer
Presiding IFF Board Member
Board for Contractors
Date: October 29, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705 013415 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

COMMONWEALTH OF VIRGINIA DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD FOR CONTRACTORS

**RE: LYNN E. WILSON
T/A VETERAN BUILDERS
LICENSE NUMBER 2705 013415**

FILE NUMBER: 2003-03493

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 29, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Lynn E. Wilson on September 30, 2003. The following individuals participated at the conference: Jennifer Kazzie, Staff Member; and Michael Redifer, presiding Board Member. Neither Lynn E. Wilson, nor anyone on his behalf, attended the IFF.

Summation of Facts

1. On June 16, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Timothy Bumbrey ("Bumbrey") regarding a contract entered into with Lynn E. Wilson ("Wilson"), t/a Veteran Builders.
2. On April 14, 2003, Bumbrey entered into a contract with Veteran Deck Builders, in the amount of \$4,000.00, to construct a deck at 501 Wandering Run Court, Haymarket, Virginia.
3. On June 17, 2003, a review of the licensing records of the Board for Contractors revealed Wilson was issued Class B Contractor's license number 2705013415 on July 14, 1992.
4. The contract used by Wilson in the transaction failed to contain: (d) a "plain-language" exculpatory clause concerning events beyond the control of the contractor and a statement explaining that delays caused by such events do not constitute abandonment and are not included in calculating time frames for payment or performance, (e) a statement of assurance that the contractor will comply with all local requirements for building permits, inspections, and zoning, (f) disclosure of the cancellation rights of the parties, (h) contractor's license expiration date, class of license, and specialty service, and (i) a statement providing that any modification to the contract, which changes the cost, materials, work to be performed, or estimated completion date, must be in writing and signed by all parties.
5. The contract specified "Job Starting Date: May 26 03" and "Estimated Completion Date: May 30 03."
6. As of June 28, 2003, Wilson failed perform any work or deliver any materials.
7. On April 14, 2003, Bumbrey paid Wilson \$2,000.00 by check.
8. As of June 28, 2003, Wilson failed to perform any work or deliver any materials. On June 28, 2003, Bumbrey requested Wilson return the \$2,000.00. Wilson agreed to return the deposit.
9. As of August 20, 2003, Wilson failed to return money received for work not performed.

10. On August 20, 2003, in the Prince William County General District court, Bumbrey was awarded a \$2,000.00 judgment against Wilson. As of September 8, 2003, Wilson failed to satisfy the judgment.

Conclusion and Recommendation

Count 1: 18 VAC 50-22-260(B)(9) (Effective January 1, 2003)

Wilson's failure to make use of a legible contract that contains all provisions specified in the regulation is a violation of the Board's regulation 18 VAC 50-22-260(B)(9). Therefore, I recommend that a monetary penalty of \$350.00 be imposed for a violation of this regulation.

Count 2: 18 VAC 50-22-230(A) (Effective January 1, 2003)

Wilson's failure to operate in the name in which the license was issued is a violation of the Board's regulation 18 VAC 50-22-230(A). Therefore, I recommend that a monetary penalty of \$350.00 be imposed for a violation of this regulation.

Count 3: 18 VAC 50-22-260(B)(15) (Effective January 1, 2003)

Wilson's failure to perform any work or deliver any materials is a violation of the Board's regulation 18 VAC 50-22-260(B)(15). Therefore, I recommend that a monetary penalty of \$2,500.00 and revocation of his license be imposed for a violation of this regulation.

Count 4: 18 VAC 50-22-260(B)(16) (Effective January 1, 2003)

Wilson's failure to return money received for work not performed, is a violation of the Board's regulation 18 VAC 50-22-260(B)(16). Therefore, I recommend that a monetary penalty of \$2,500.00 and revocation of his license be imposed for a violation of this regulation.

Count 5: 18 VAC 50-22-260(B)(28) (Effective January 1, 2003)

Wilson's failure to satisfy the judgment is a violation of the Board's regulation 18 VAC 50-22-260(B)(28). Therefore, I recommend that a monetary penalty of \$2,500.00 and revocation of his license be imposed for violation of this regulation.

By:

Michael Redifer
Presiding IFF Board Member

Board for Contractors
Date: October 29, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705 013415 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

BOARD FOR CONTRACTORS

**RE: LYNN E. WILSON
T/A VETERAN BUILDERS
LICENSE NUMBER 2705 013415**

FILE NUMBER: 2003-03131

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 29, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Lynn E. Wilson on September 30, 2003. The following individuals participated at the conference: Jennifer Kazzie, Staff Member; and Michael Redifer presiding Board Member. Neither Lynn E. Wilson, nor anyone on his behalf, attended the IFF.

Summation of Facts

1. On May 15, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Chris Hill ("Hill") regarding a contract entered into with Lynn E. Wilson, t/a Veteran Builders.

2. On January 10, 2003, Hill entered into a contract with "Veteran Deck Builders", in the amount of \$5,300.00, to construct two decks at Hill's residence at 6026 Smooth Stone Place, Haymarket, Virginia. The contract specified "VA State Lic # 2705013415." Hill paid Wilson \$2,650.00 as a deposit.
3. On May 16, 2003, a review of the licensing records of the Board for Contractors revealed Lynn E. Wilson ("Wilson"), t/a Veteran Builders, was issued Class B Contractor's license number 2705013415 on July 14, 1992.
4. The contract used by Wilson failed to contain the minimum provisions required by the Board's 2003 Regulation 18 VAC 50-22-260(B)(9), subsections (d) a "plain-language" exculpatory clause concerning events beyond the control of the contractor and a statement explaining that delays caused by such events do not constitute abandonment and are not included in calculating time frames for payment or performance, (e) a statement of assurance that the contractor will comply with all local requirements for building permits, inspections, and zoning, (f) disclosure of the cancellation rights of the parties, (h) contractor's license expiration date, class of license, and specialty service, and (i) a statement providing that any modification to the contract, which changes the cost, materials, work to be performed, or estimated completion date, must be in writing and signed by all parties. Wilson failed to make use of a legible contract that contains all provisions specified in the regulation.
5. The contract specified "Job Starting Date: Feb 16 03" and "Estimated Completion Date Feb 21 03."
6. On March 20, 2003, Wilson obtained building permit BLD2003-10193 from the Prince William County Department of Building and Development to construct the decks.
7. On March 20, 2003, Wilson dug six (6) holes for footers. Hill left several messages with Wilson requesting the work be commenced on the deck and for a status report. Wilson returned to deliver nine (9) pieces of wood. On April 24, 2003, Wilson promised Hill more wood would be delivered April 28, 2003, and the deck would be completed by May 2, 2003. As of May 15, 2003, Wilson failed to deliver the additional wood and complete the work. Wilson failed to complete the work and comply with the terms of the contract.
8. The contract specified "Job Starting Date: Feb 16 03" and "Estimated Completion Date Feb 21 03."
9. On March 20, 2003, Wilson obtained building permit BLD2003-10193 from the Prince William County Department of Building and Development to construct the decks.
10. On March 20, 2003, Wilson dug six (6) holes for footers. Hill left several messages with Wilson requesting the work be commenced on the deck and for a status report. Wilson returned to deliver nine (9) pieces of wood.

11. On April 24, 2003, Wilson promised Hill more wood would be delivered April 28, 2003, and the deck would be completed by May 2, 2003.

12. On May 2, 2003, Hill left a voicemail for Wilson requesting Wilson return the \$2,650.00 deposit. As of May 15, 2003, Wilson failed to contact Hill, deliver the additional wood, or complete the work.

13. In a letter dated May 15, 2003, Hill requested Wilson return the \$2,650.00 deposit minus labor and materials for the work performed in part, in the amount of \$650.00. In addition, Hill requested Wilson reimburse Hill \$75.00 court costs, which Hill incurred in an effort to pursue legal action.

14. On June 10, 2003, Wilson told the Board's agent, Investigator Carolyn D. Wright, that he would call Hill and work out returning some of the money. As of June 25, 2003, Wilson failed to return the funds received for work not performed.

15. On June 3, 2003, the Board's agent made a written request to Wilson at the address of record of 12585 Bristow Road, P.O. Box 618, Bristow, Virginia 20136, requesting a written response and supporting documents regarding the complaint filed with the Board. The Board's agent requested the documents be received by June 19, 2003. As of June 23, 2003, Wilson failed to produce the requested documents.

16. On July 17, 2003, in the Prince William County General District Court, Hill was awarded a \$2,850.00 judgment against Wilson. As of September 29, 2003, Wilson failed to satisfy the judgment.

Conclusion and Recommendation

Count 1: 18 VAC 50-22-260(B)(9) (Effective January 1, 2003)

Wilson's failure to make use of a legible contract that contains all provisions specified in the regulation is a violation of the Board's regulation 18 VAC 50-22-260(B)(9). Therefore, I recommend that a monetary penalty of \$350.00 be imposed for a violation of this regulation.

Count 2: 18 VAC 50-22-230(A) (Effective January 1, 2003)

Wilson's failure to operate in the name in which the license was issued is a violation of the Board's regulation 18 VAC 50-22-230(A). Therefore, I recommend that a monetary penalty of \$350.00 be imposed for a violation of this regulation.

Count 3: 18 VAC 50-22-260(B)(15) (Effective January 1, 2003)

Wilson's failure to complete the work and comply with the terms of the contract is a violation of the Board's regulation 18 VAC 50-22-260(B)(15). Therefore, I recommend that a

monetary penalty of \$2,500.00 and revocation of his license be imposed for a violation of this regulation.

Count 4: 18 VAC 50-22-260(B)(16) (Effective January 1, 2003)

Wilson's failure to return money received for work not performed, is a violation of the Board's regulation 18 VAC 50-22-260(B)(16). Therefore, I recommend that a monetary penalty of \$2,500.00 and revocation of his license be imposed for a violation of this regulation.

Count 5: 18 VAC 50-22-260(B)(12) (Effective January 1, 2003)

Wilson's failure to produce the documents requested by the Board is a violation of the Board's regulation 18 VAC 50-22-260(B)(12). Therefore, I recommend that a monetary penalty of \$750.00 be imposed for a violation of this regulation.

Count 6: 18 VAC 50-22-260(B)(28) (Effective January 1, 2003)

Wilson's failure to satisfy the judgment is a violation of the Board's regulation 18 VAC 50-22-260(B)(28). Therefore, I recommend that a monetary penalty of \$2,500.00 and revocation of his license be imposed for a violation of this regulation.

By:

Michael Redifer
Presiding IFF Board Member
Board for Contractors
Date; October 29, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705 013415 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR CONTRACTORS**

**RE: LYNN E. WILSON
T/A VETERAN BUILDERS
LICENSE NUMBER 2705 013415**

FILE NUMBER: 2004-01327

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 29, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Lynn E. Wilson on September 30, 2003. The following individuals participated at the conference: Jennifer Kazzie, Staff Member; and Michael Redifer presiding Board Member. Neither Lynn E. Wilson, nor anyone on his behalf, attended the IFF.

Summation of Facts

1. On September 23, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received information regarding criminal convictions involving Lynn E. Wilson ("Wilson"), t/a Veteran Builders.
2. On September 29, 2003, a review of the licensing records of the Board for Contractors revealed Wilson was issued Class B Contractor's license number 2705013415 on July 14, 1991. The records further revealed Lynn E. Wilson as the Qualified Individual, Designated Employee, and Responsible Management for Wilson.
3. On September 15, 2003, in the Prince William County General District Court, Wilson was found guilty on two counts of construction fraud, a misdemeanor, in violation of Section 18.2-200.1 of the Code of Virginia.
4. On September 10, 2003, in the Prince William County General District Court, Jerred Brown was awarded a \$2,750.00 judgment against Wilson; on September 11, 2003, in the Prince William County General District Court, Mary O'Neal was awarded a \$2,150.00 judgment against Wilson; and on September 11, 2003, in the Prince William County General District Court, Steven Browning was awarded a \$2,300.00 judgment against Wilson. As of September 29, 2003, Wilson failed to satisfy these judgments.

Conclusion and Recommendation

Count 1: 18 VAC 50-22-260(B)(22) (Effective January 1, 2003)

(2 violations)

Wilson's convictions of two counts of construction fraud, misdemeanors, in violation of Section 18.2-200.1 of the Code of Virginia, is a violation of the Board's regulation 18 VAC 50-22-260(B)(22). Therefore, I recommend that a monetary penalty of \$1,000.00 and revocation of his license be imposed per violation of this regulation. .

Count 2: 18 VAC 50-22-260(B)(28) (Effective January 1, 2003)
(3 violations)

Wilson's failure to satisfy the judgments (awarded Brown, O'Neal and Browning) is a violation of the Board's regulation 18 VAC 50-22-260(B)(28). Therefore, I recommend that a monetary penalty of \$2,500.00 and revocation of his license be imposed per violation of this regulation.

By:

Michael Redifer
Presiding IFF Board Member
Board for Contractors
Date: October 29, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705 013415 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

BOARD FOR CONTRACTORS

**RE: WILLIAM BULIFANT
T/A BULIFANT & CO.
LICENSE NUMBER 2705 032589**

FILE NUMBER: 2003-03051

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 29, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to William Bulifant, t/a Bulifant & Co. (Bulifant) on September 30, 2003. The following individuals participated at the conference: Brian Gentilini, Complainant; Jennifer Kazzie, Staff Member; and Michael D. Redifer, Presiding Board Member. Neither Bulifant, nor anyone on his behalf, appeared at the IFF.

Background

On April 25, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received information from Brian Gentilini (Gentilini), Assistant Chief Building Official with Hanover County, regarding William Bulifant (Bulifant), t/a Bulifant & Co., for work performed at 211 Thompson Street, Ashland, Virginia.

Summation of Facts

1. On April 23, 2003, Gentilini issued a Notice of Violation to Bulifant for failure to obtain the required permit prior to the commencement of work, in violation of Section 109.1 of the Virginia Uniform Statewide Building Code (USBC).
2. On June 27, 2003, Bulifant obtained the required building permit. Gentilini testified that this was one day before the scheduled court date for the charge of failure to obtain a building permit.

3. On May 19, 2003, Investigator Becky C. Angelilli, the Board's agent, made a written request to Bulifant at the address of record of 400 Maple Street, Ashland, Virginia 23005, requesting a written response and supporting documents to the complaint filed with the Board. The Board's agent requested the documents be received by June 3, 2003.

4. On May 28, 2003, the Board's agent spoke with Bulifant by telephone in reference to another case and verified that Bulifant received this complaint and reminded him that he needed to respond by the due date. As of July 31, 2003, Bulifant failed to respond to the Board's agent's request.

5. During the IFF, Gentilini testified that the work had been completed and no inspections had yet been requested or performed.

Conclusion and Recommendation

Count 1: 18 VAC 50-22-260(B)(6) (Effective January 1, 2003)

Bulifant's failure to obtain the required permit prior to the commencement of work, in violation of Section 109.1 of the Virginia Uniform Statewide Building Code, is a violation of Board Regulation 18 VAC 50-22-260(B)(6). Therefore, I recommend a monetary penalty of \$2,500.00 and license revocation be imposed.

Count 2: 18 VAC 50-22-260(B)(13) (Effective January 1, 2003)

Bulifant's failure to respond to an investigator seeking information in the investigation of a complaint filed with the board is a violation of Board Regulation 18 VAC 50-22-260(B)(13). Therefore, I recommend a monetary penalty of \$750.00 be imposed.

By:

Michael D. Redifer
Presiding IFF Board Member
Board for Contractors
Date: October 29, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705 032589 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

COMMONWEALTH OF VIRGINIA DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD FOR CONTRACTORS

**RE: WILLIAM BULIFANT
T/A BULIFANT & CO.
LICENSE NUMBER 2705 032589**

FILE NUMBER: 2003-00404

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 29, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to William Bulifant, t/a Bulifant & Co. (Bulifant) on September 30, 2003. The following individuals participated at the conference: Raymond and Marie Ancone, Complainants; Graham T. Jennings, Jr., Esquire, Attorney for Complainants; Jennifer Kazzie, Staff Member and Michael D. Redifer, Presiding Board Member. Neither Bulifant, nor anyone on his behalf, appeared at the IFF.

Background

On August 5, 2002, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Raymond and Marie Ancone (the Ancones) regarding a contract entered into with William Bulifant & Co., Inc.

On or about March 9, 2002, the Ancones entered into a contract with "Bulifant & Co., Inc.," in the amount of \$15,000.00, to construct an addition to their home at 2824 Spencerwood Drive, Powhatan, Virginia.

On January 21, 2003, a review of the licensing records of the Board for Contractors revealed William Bulifant, t/a Bulifant & Co., was issued Class A Contractor's license number 2705032589 on February 27, 1996, as a sole proprietorship.

Summation of Facts

1. On August 27, 2002, the State Corporation Commission records indicated Bulifant & Co., Inc. became incorporated on September 13, 1996.
2. Bulifant failed to obtain a new license within 30 days of the change in the business entity from sole proprietorship to corporation.
3. Bulifant failed to operate under the name in which the license was issued and failed to report the name change in writing to the board within 30 days of the change.
4. The contract used by Bulifant in the transaction failed to contain the minimum provisions required by the Board's 2001 Regulation 18 VAC 50-22-260(B)(9), subsections (a) when the work is to begin and the estimated completion date, (d) a "plain language" exculpatory clause concerning events beyond the control of the contractor and a statement explaining that delays caused by such events do not constitute abandonment and are not included in calculating time frames for payment or performance, (e) a statement of assurance that the contractor will comply with all local requirements for building permits, inspections, and zoning, (f) disclosure of the cancellation rights of the parties, (h) contractor's license expiration date and classifications or specialty services, and (i) statement providing that any modification to the contract, which changes the cost, materials, work to be performed, or estimated completion date, must be in writing and signed by all parties. Bulifant failed to make use of a legible written contract that contains all provisions specified in the regulation.
5. Bulifant constructed a large portion of the addition before it was discovered that a permit had not been obtained.
6. On May 13, 2002, J. Robert Allen (Allen), Building Official for County of Powhatan Building Inspections Office, issued a Notice of Violation to Bulifant for failure to obtain a permit prior to commencement of construction on the room addition, in violation of Section 109.1 of the Virginia Uniform Statewide Building Code (USBC) and for failure to obtain the minimum inspections, in violation of Section 114.4 of the USBC. Since Bulifant had applied for a permit, Allen requested Bulifant submit an engineer's report for review before issuing a permit to allow construction to proceed.
7. On January 21, 2003, Allen advised Investigator Renee Popielarz, the Board's agent, that a permit was never issued because the engineer's report submitted by Bulifant was not sufficient.
8. Allen requested Bulifant obtain a permit and an engineer's certification of the adequacy of the footings and foundation work done without inspections.
9. On June 7, 2002, Klaus J. Worrell (Worrell), P.E., inspected 2824 Spencerwood Drive, Powhatan, Virginia. In a report dated June 11, 2002, Worrell noted the following observations:

- 1) The bearing soils checked in two locations revealed soft fill material from twelve to twenty-four inches below the footing before firm material was present. One location had topsoil. There was little compaction of the fill material.
- 2) The concrete strength was tested indicating strength in the range of 1700 psi to 2300 psi, which is below the recommended 3000 psi. This indicates that the concrete was watered down excessively to facilitate placement of the concrete.
- 3) The masonry foundation appears sound. However, minor corrections such as pointing up some joints and replacement of one cracked block should be done.
- 4) The framing needs several corrections: There are no nuts on the anchor bolts holding the sill plate to the masonry foundation; the first floor framing attachment to the house is not sound as well as the ledger strip is not treated and is in contact with the masonry (recommendation to remove ledger strip and install joist hangers); the OSB nailing to the studs exceeds the allowable spacing; the roof slope is 1.5 to 12 and the shingle roof is not the allowable covering for flat roof construction (roofing needs to be an approved built up roof unless otherwise approved for another option by the building official); the roof sheathing is not nailed down as required, a portion of the sheathing overlaps causing a bump in the roof and the sheathing was loose in several areas checked.

10. Worrell could not provide certification of the existing construction. Worrell further indicated that the least expensive option and most verifiable option for certification would be to remove the existing structure and rebuild.

Conclusion and Recommendation

Count 1: 18 VAC 50-22-210(3) (Effective September 1, 2001)

Bulifant's failure to obtain a new license within 30 days of the change in the business entity from sole proprietorship to corporation is a violation of Board Regulation 18 VAC 50-22-210(3). Therefore, I recommend a monetary penalty of \$350.00 be imposed.

Count 2: 18 VAC 50-22-230(A) (Effective September 1, 2001)

Bulifant's failure to operate in the name in which the license was issued and failure to report the name change in writing to the Board within 30 days of the change is a violation of Board Regulation 18 VAC 50-22-230(A). Therefore, I recommend a monetary penalty of \$350.00 be imposed.

Count 3: 18 VAC 50-22-260(B)(9) (Effective September 1, 2001)

Bulifant's failure to make use of a legible written contract that contains all provisions specified in the regulation is a violation of Board Regulation 18 VAC 50-22-260(B)(9) (Effective September 1, 2001). Therefore, I recommend a monetary penalty of \$350.00 be imposed.

Count 4: 18 VAC 50-22-260(B)(5) (Effective September 1, 2001)

Bulifant's incompetence to supply sufficient information requested by the County of Powhatan Building Official's Office to issue the permit is a violation of 18 VAC 50-22-260(B)(5). Therefore, I recommend a monetary penalty of \$2,500.00 and license revocation be imposed.

Count 5: 18 VAC 50-22-260(B)(5) (Effective September 1, 2001)

Bulifant's negligence in constructing the addition is a violation of Board Regulation 18 VAC 50-22-260(B)(5). Therefore, I recommend a monetary penalty of \$2,500.00 and license revocation be imposed.

By:

Michael D. Redifer
Presiding IFF Board Member
Board for Contractors
Date: October 29, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705 032589 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR CONTRACTORS**

**RE: WILLIAM BULIFANT
T/A BULIFANT & CO.
LICENSE NUMBER 2705 032589**

FILE NUMBER: 2003-02675

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 29, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to William Bulifant, t/a Bulifant & Co. (Bulifant) on September 30, 2003. The following individuals participated at the conference: John Fabian, Complainant; Jennifer Kazzie, Staff Member; and Michael D. Redifer, Presiding Board Member. Neither Bulifant, nor anyone on his behalf, appeared at the IFF.

Background

On April 7, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from John Fabian (Fabian) regarding a contract entered into with Bulifant & Co. Inc.

On or about March 29, 2002, Fabian entered into a contract with Bulifant & Co. Inc., in the amount of \$42,350.00, to install vinyl siding and replacement windows, remove and reinstall

insulation under house, add pier and girder, and remove door, frame and sheetrock at 14372 Country Club Drive, Ashland, Virginia.

On July 7, 2003, a review of the licensing records of the Board for Contractors revealed William Bulifant, t/a Bulifant & Co., was issued Class A Contractor's license number 2705032589 on February 27, 1996, as a sole proprietorship.

Summation of Facts

1. Bulifant failed to operate in the name in which the license was issued.
2. On April 1, 2002, Bulifant commenced work by removing the gutters, shutters, and all the insulation stored in the garage.
3. On May 21, 2002, Bulifant obtained building permit 1346-02 for the work performed at 14372 County Club Avenue, Ashland, Virginia.
4. On April 21, 2003, Brian Gentilini, Assistant Chief Building Official with Hanover County, advised Investigator Becky C. Angelilli, the Board's agent, that Bulifant failed to obtain the required final inspection, in violation of Section 114.4 of the Virginia Uniform Statewide Building Code.
5. Between April 1, 2002 and July 2002, Bulifant sporadically worked on the project.
6. Between July 16, 2002 and July 18, 2002, Fabian made several attempts to contact Bulifant by telephone to inquire when the project would be completed and if the property was inspected. On August 13, 2002, Bulifant returned to the property to install siding around back and on another section of the front porch. On September 25, 2002, Bulifant finished installing the siding but failed to complete the framing of the utility room window and putting the sashes back in all windows in the house.
7. On April 16, 2003, Investigator Becky C. Angelilli, the Board's agent, made a written request to Bulifant at the address of record of 400 Maple Street, Ashland, Virginia 23005, requesting a written response and supporting documents to the complaint filed with the Board. The Board's agent requested the documents be received by May 1, 2003.
8. On May 28, 2003, the Board's agent spoke with Bulifant by telephone and he told the Board's agent that he would send in the response. As of July 10, 2003, Bulifant failed to respond to the Board's agent's request.

Conclusion and Recommendation

Count 1: 18 VAC 50-22-230(A) (Effective September 1, 2001)

Bulifant's failure to operate in the name in which the license was issued is a violation of Board Regulation 18 VAC 50-22-230(A). Therefore, I recommend a monetary penalty of \$350.00 be imposed.

Count 2: 18 VAC 50-22-260(B)(6) (Effective September 1, 2001)

Bulifant's failure to obtain the required final inspection, in violation of Section 114.4 of the Virginia Uniform Statewide Building Code is a violation of Board Regulation 18 VAC 50-22-260(B)(6). Therefore, I recommend a monetary penalty of \$500.00 be imposed.

Count 3: 18 VAC 50-22-260(B)(15) (Effective September 1, 2001)

Bulifant's failure to complete the work contracted for is a violation of Board Regulation 18 VAC 50-22-260(B)(15). Therefore, I recommend a monetary penalty of \$2,000.00 be imposed.

Count 4: 18 VAC 50-22-260(B)(13) (Effective January 1, 2003)

Bulifant's failure to respond to an investigator seeking information in the investigation of a complaint filed with the Board is a violation of Board Regulation 18 VAC 50-22-260(B)(13). Therefore, I recommend a monetary penalty of \$1,000.00 be imposed.

By:

Michael D. Redifer
Presiding IFF Board Member
Board for Contractors
Date: October 28, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 2705 032589 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

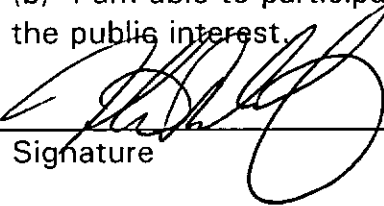
1. Name: Michael D. Redifer
2. Title: Member
3. Agency: Board for Contractors
4. Transaction: Informal Fact-Finding Conferences on October 29, 2003
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

VBLOA UPMIA IAET NFPA ILL

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

10-29-03
Date